****

In the High Court of Punjab & Haryana at Chandigarh.

Civil Revision No.5740 of 2006.
Date of decision : 2.11.2006.

Mange Ram .... Petitioner.

vs

Rameshwar .....Respondent.

Coram Hon'ble Ms. Justice Kiran Anand Lall.

Present: Mr.Jitender Singh Dhull,Advocate,for the petitioner.

Kiran Anand Lall, J.

The petitioner (plaintiff) filed an application before the trial court, with the prayer that, "*some medical expert should be appointed as Local Commissioner and a report be called from local commissioner whether defendant no.2 is mentally sound or not".*

The trial court has dismissed the application by observing, inter-alia, as under:-

> "*..... In this case the plaintiff has already examined Dr.Sudhir Godiyal. But despite examining of Dr.Sudhir Godiyal the plaintiff is pressing for appointment of local commissioner on the ground that the report of above said doctor is not available and the defendant no.2 is not in the custody of the plaintiff.....*"

The petition deserves to be dismissed, in limine. There is no provision in CPC under which court can appoint a medical expert, as a local commissioner, for making a report about the mental condition of a party to the suit. The petitioner,as it is mentioned in the impugned order, has already

****

examined Dr.Sudhir Godiyal, as his witness, in respect of the soundness or otherwise of the mind of respondent no.2 (defendant no.2), Suraj Bhan.

No merit.

Dismissed.

2.11.2006. (Kiran Anand Lall)
vs. Judge.